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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Adel Farhan Halasa

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9578

7590

06/27/2006

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EXAMINER

BARTS, SAMUEL A

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1, 4-8 and 19-20 in the replies filed on 6/2/06 and 6/14/06 is acknowledged. Applicant further elected the species made using an alkyl amino aryl compound wherein the claimed structure comprises two methyl groups.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-8 and 19-20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shin et al (US 6,221,975).

Shin et al teach polymers which are made using the instant claimed reactants. Thus, it is reasonable to assume that some of the claimed functionalized lithium initiators were made in Shin et al. See example 1-2 in columns 5 and 6<sup>1</sup>.

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<sup>1</sup> Please note that in example 1 of Shin et al, diisopropenylbenzene was misspelled diisopropenylbenzene.

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The limitations that are not explicitly disclosed in Shin et al would nonetheless be obvious modifications. For example using 4,4'-bis(dimethylyamino)benzophenone instead of bis(diethylyamino)benzophenone<sup>2</sup> would be will within the purview of an ordinary artisan.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 4-8 and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted step is: failing to define the “dilithium initiator” as that derived from the step of reacting tertiary-alkyl lithium with m-diisopropenylbenzene. Applicant states clearly on page 6 lines 1-4 in the specification that this step is “critical”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Barts whose telephone number is 571-272-2870. The examiner can normally be reached on 6:30-3:00.

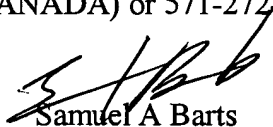
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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<sup>2</sup> This compound was used in example 2 of Shin et al.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Samuel A Barts  
Primary Examiner  
Art Unit 1621

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